

PATENT Customer No. 22,852 Attorney Docket No. 06809.0030

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re A	Application of:	
Morton M. MOWER		Group Art Unit: 3762
Applio	cation No.: 10/656,222	Examiner: Kahelin, Michael William
Filed:	September 8, 2003	Confirmation No.: 1067
For:	METHOD AND APPARATUS FOR INTERCHAMBER RESYNCHRONIZATION	
P.O. B	nissioner for Patents Box 1450 ndria, VA 22313-1450	
Sir:		

#### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO/SB/08 form. Applicants file this Information Disclosure Statement (IDS) after the period set forth in 37 C.F.R. § 1.97(b), but before the mailing date of either a Final action, Quayle action, or a Notice of Allowance, to the undersigned representative's knowledge at the time of filing this IDS. This IDS supplements the IDS filed on March 8, 2004.

Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is

04/12/2006 SZEWDIE1 00000074 10656222
accompanied by a fee of \$180 as specified by Section 1.17(p). 01 FC:1806

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Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents and U.S. patent publications are not enclosed. Applicant respectfully requests that the Examiner consider the listed documents and indicate their consideration by making appropriate notation on the attached PTO/SB/08 form.

The relevance of two non-English language documents, D'AIOTOLO et al., "Tratamiento De Las Arritmias Cardiacas" ("D'Aiotolo"), and SILVA, "Influencia de la Localizacion de la Estimulacion Electrica Ventricular Sobre la Eficiencia Cardiaca. Estudio Experimental Y Clinico" ("Silva"), is set forth below.

D'Aiotolo generally discloses "Treatment of Cardiac Arrhythmias," in particular, Chapter II is the "Introduction." Chapter II discusses "Physiology of Cardiac Rhythm." Chapter III discusses "Physiopathology of Arrhythmias." Chapter IV discusses "Pharmacology of Anti-Arrhythmic Drugs." Chapter V discusses "Pharmacologic Treatment of Arrhythmias." Chapter VI discusses "Rhythmic Electric Stimulation - Cardiac Pacemakers." Chapter VII discusses "Indications/Procedures, Results, and Complications from Pacemaker Implantations." Chapter VIII discusses "Arrhythmias in Patients with Artificial Cardiac Pacemakers." Chapter IX discusses "Paired and Coupled Pacemakers and their use in Treatment of Arrhythmias and Cardiac Insufficiency." Chapter X discusses "Electrophysiological Studies in the Human Heart." Chapter XI discusses "Cardioversion [electric shock to heart], Theoretical and Experimental Fundamentals, Clinical Uses, and Indications/Procedures. Finally, Chapter XII discusses "Intensive Care Units."

Silva is a doctoral dissertion that generally discloses "Effect of Location of Ventricular Electrical Stimulation on Cardiac Efficiency – Experimental and Clinic Study." In particular, Chapter 1 is the "Introduction," with Section 1.1 setting forth the background and fundamentals of the study. Section 1.1.1 discusses Permanent cardiac stimulation: evolution and current status. Section 1.1.2 discusses prior studies on the influence of the place of cardiac stimulation on hemodynamic (blood circulation) parameters and continuing interest in this line of research. Section 1.1.3 discusses the mechanics of ventricular contraction. Section 1.2 discusses comments on the methodology followed. Section 1.2.1 discusses an experimental model:

electric activation (stimulation) in dogs - an epicardic map. Section 1.2.2 discusses the clinical

(work), evaluation (& follow up) methods. Chapter 2 is the "Objectives." Chapter 3 is the

"Materials and Methods," with Section 3.1 discussing the experimental model and 3.2 discussing

the clinical work. Chapters 4, 5, 6, 7, and 8 are the "Results," "Discussion," "Conclusions,"

"Summary," and "References," respectively.

In lieu of a statement of relevance for the remaining non-English language documents,

English-language Abstracts are provided.

This submission does not represent that a search has been made or that no better art exists

and does not constitute an admission that the listed documents are material or constitute "prior

art." If the Examiner applies any or all of the documents as prior art against any claim in the

application and Applicant determines that the cited documents do not constitute "prior art" under

United States law, Applicant reserves the right to present the relevant facts and law to the Office

regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability

of the disclosed invention over the listed documents, should any or all of the documents be

applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the

fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,

GARRETT & DUNNER, L.L.P.

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Dated: April 11, 2006

David M. Longo

Reg. No. 53,235

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Sheet 1 of 14

	Complete if Known	0
Application Number	10/656,222	10
Filing Date	September 8, 2003	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
First Named Inventor	Morton M. Mower	7, -
Art Unit	3762	13 6
Examiner Name	Kahelin, Michael Will	lianton W
Attorney Docket Number		MARKOFFICE

Examiner	Cite	Document Number	Issue or	Name of Patentee or	Pages, Columns, Lines, Where
Initials	No.1	Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
		US3,345,990	10/10/1967	Berkovits	
-		US3,431,912	03/11/1969	Keller, Jr.	
		US3,433,228	03/18/1969	Keller, Jr.	
		US3,595,242	07/27/1971	Berkovits	
		US3,648,707	03/14/1972	Greatbach	
		US3,747,604	07/24/1973	Berkovits	-
		US3,814,106	06/04/1974	Berkovits	
		US3,903,897	09/09/1975	Woolons et al.	
		US3,937,226	02/10/1976	Funke	
		US4,052,991	10/11/1977	Zacouto	
-		US4,057,067	11/08/1977	Lajos	
		US4,088,140	05/09/1978	Rockland et al.	
		US4,303,075	12/01/1981	Heilman et al.	
		US4,312,355	01/26/1982	Funke	
		US4,332,259	06/01/1982	McCorkle, Jr.	
		US4,335,727	06/22/1982	McPherson	
		US4,354,497	10/19/1982	Kahn	-,-
		US4,378,020	05/29/1983	Nappholz et al.	
		US4,401,119	08/30/1983	Herpers	
		US4,418,695	12/06/1983	Buffet	
		US4,429,697	02/07/1984	Nappholz et al.	
		US4,452,248	06/05/1984	Keller, Jr.	
		US4,458,677	07/10/1984	McCorkle, Jr.	
		US4,541,417	09/17/1985	Krikorian	
		US4,548,203	10/22/1985	Tacker, Jr. et al.	
		US4,554,922	11/26/1985	Prystowsky, et al.	
		US4,624,260	11/25/1986	Baker, Jr. et al.	
		US4,685,446	08/11/1987	Choy	
		US4,705,043	11/10/1987	Imran	
		US4,727,877	03/01/1988	Kallok	
1		US4,774,950	10/04/1988	Cohen	
		US4,790,317	12/13/1988	Davies	,
		US4,799,486	01/24/1989	DuFault	
		US4,817,608	04/04/1989	Shapland et al.	<del></del>

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Art Unit	3762	
Examiner Name	Kahelin, Michael William	
Attorney Docket Number	06809.0030	

Examiner Initials	Cite No.1	Document Number  Number-Kind Code <sup>2</sup> (if known)	Issue or Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant
		-	MM-DD-YYYY	Ideker et al.	Figures Appear
		US4,827,932	05/09/1989	Ekwall	
		US4,827,934	<u> </u>	Haluska et al.	
		US4,830,006 US4,925,443	05/16/1989	Heilman et al.	
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		US4,928,688	05/29/1990	Mower	
		US4,932,407	06/12/1990	Williams	
		US4,967,749	11/06/1990	Cohen	
		US4,974,588	12/04/1990	Smits	
		US5,014,696	05/14/1991	Mehra	
		US5,024,222	06/18/1991	Thacker	
		US5,083,563	01/28/1992	Collins	
		US5,099,838	03/31/1992	Bardy	
		US5,111,811	05/12/1992	Smits	
		US5,129,394	07/14/1992	Mehra	
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		US5,213,098	05/25/1993	Bennett et al.	
		US5,251,621	10/12/1993	Collins	
		US5,334,222	08/02/1994	Salo et al.	
		US5,487,758	01/30/1996	Hoegnelid et al.	
		US5,545,204	08/13/1996	Cammilli et al.	
		US5,584,868	12/17/1996	Salo et al.	
		US5,899,930	05/04/1999	Flynn et al.	
		US5,626,620	05/06/1997	Kieval et al.	
		US5,902,324	05/11/1999	Thompson et al.	
_		US5,919,209	07/06/1999	Schouten	
		US6,185,459 B1	02/06/2001	Mehra et al.	
		US6,298,268 B1	10/02/2001	Ben-Haim et al.	
		US6,317,631 B1	11/13/2001	Ben-Haim et al.	
		US6,330,476 B1	12/11/2001	Ben-Haim et al.	
		US6,337,995 B1	01/08/2002	Mower	1
		US6,343,232 B1	01/29/2002	Mower	
		US6,463,324 B1	10/08/2002	Ben-Haim et al.	
		USRE38119 E	05/20/2003	Mower	

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	FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No.¹	Foreign Patent Document  Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> ( <i>if known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		GB 1401247	11/16/1983	Siemens Aktiengese Llschaft		
		GB 2119255A	07/23/1975	Telectronics Pty. Ltd.		
		EP 0017447 A1	10/15/1980	Medtronic, Inc.		
		EP 0039269 A1	11/14/1981	Medtronic, Inc.		
		WO 82/03783	11/11/1982	Biotronik		English- Language Abstract

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		Morton M. MOWER, U.S. Application No. 10/214,474, entitled "METHOD AND APPARATUS FOR TREATING HEMODYNAMIC DISFUNCTION," filed August 8, 2002 (Continuation Reissue Application of U.S. Patent No. 4,928,688).	
		Picture of Biventricular Pacer manufactured by American Optical Co., American Optical Corp., Research Division, Biventricular Pacer Device, 1975.	
		AHN et al., "Disparity Between Left Ventricular and Biventricular Pacing Thresholds," NASPE Abstracts, <i>PACE</i> , Vol. 26, Part II, April 2003, Abstract No. 96.	
		ARANDA et al., "A New Pacemaker for Simultaneous Biventricular Stimulation of the Human Heart," Clin. Res., Vol. XXIV, No. 3, p. 206A (1976).	
		AURICCHIO et al., "Comparison Between Uni-Ventricular Pacing and Biventricular Pacing After AV Nodal Ablation on Systolic Function of Heart Failure Patients with Atrial Fibrillation," NASPE Abstracts, <i>PACE</i> , Vol. 26, Part II, April 2003, Abstract No. 613.	
	-	BADEER, "Relation of ECG to Mechanical Events," <i>Cardiovascular Physiology</i> , 1984, 6:57-58.	
		BAILON et al., "Some Data for an Unanswered Question: Choosing the Ventricular Electrode Place," Pacing and Clinical Electrophysiology, Volume 8, No. 3, Part II, p. A-11 (1985).	
		BAKKER et al., "Beneficial Effects of Biventricular Pacing in Congestive Heart Failure," <i>PACE</i> , 1994 Apr, 17 (4):820.	
		BAKKER et al., "Biventricular Pacing in Congestive Heart Failure," Clinical Research, vol. 42, no. 2., April 1994, p. 327A.	
		BAKKER et al., "Biventricular Pacing Improves Functional Capacity in Patients with End-Stage Congestive Heart Failure," <i>PACE</i> , NASPE Abstracts, 1995 (18):825.	
	· · · · ·	BAROLD et al., "First Reports of Electrical Multisite Ventricular Activation in Humans," <i>PACE</i> , 2000 December, (23):2117-2119.	

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		BASHIR et al., "Combined Use of Transesophageal ECHO and Fluoroscopy for the Placement of Left Ventricular Pacing Leads Via the Coronary Sinus," <i>PACE</i> , 2003 October, (26):1951-1954.	
		BEFELER et al., "Programmed Simultaneous Biventricular Stimulation in Man, with Special Reference to its Use in the Evaluation of Intraventricular Reentry," Eur. J. of Cardiology, Vol. 9, No. 5, pp. 369-378 (1979).	
		BENCHIMOL et al., "Cardiac Hemodynamics During Stimulation of the Right Atrium, Right Ventricle, and Left Ventricle in Normal and Abnormal Hearts," <i>Circulation</i> , Vol. 33, June 1966, pp. 933-944.	
		BENCHIMOL et al., "Contribution of Atrial Systole to the Cardiac Function at a Fixed and at a Variable Ventricular Rate," <i>The American Journal of Cardiology</i> , Vol. 16, No. 1, July 1965, pp. 11-21.	
		BLACKBURN et al., "Ventricular Pacing from the Coronary Sinus of a Patient with a Fontan Circulation," <i>Br. Heart J.</i> , 1993, (70):578-579.	
		BOCCHIARDO et al., "Efficacy of Biventricular Sensing and Treatment of Ventricular Arrhythmias," <i>PACE</i> , Vol. 23, 2000 November, 1989-1991.	
		BORDACHAR et al., "Impact of Inter-Ventricular Programming to Optimize Severe Heart Failure Patients with Multisite Ventricular Pacing," NASPE Abstracts, <i>PACE</i> , Vol. 26, Part II, April 2003, Abstract No. 92.	
		BOURASSA, "Hemodynamic Studies During Intermittent Left Bundle Branch Block," American Journal of Cardiology, 1962 December, 792-799.	
		BOVE et al., "Ventricular Interdependence," <i>Prog. Cardiovasc. Dis.</i> , 1981 Mar-Apr; 23(5):365-388.	
		BRACKE et al., "Extraction of Pacemaker and Implantable Cardioverter Defibrillator Leads: Patient and Lead Characteristics in Relation to the Requirement of Extraction Tools," <i>PACE</i> , 2002 July, (25):1037-1040.	
		BRACKE et al., "Role of Interventricular Pacing Delay in Patients with Atrial Fibrillation and Cardiac Resynchronisation Therapy," NASPE Abstracts, <i>PACE</i> , Vol. 26, Part II, April 2003, Abstract No. 621.	
		BROKA et al., "Hemodynamic Effects of Atrio-Biventricular Pacing," <i>Ann. Thoracic Surg.</i> , 1995, (60):1156.	
		BROWNLEE et al., "New Functional Configurations for Adaptive Pacemakers," 28 <sup>th</sup> ACEMB, New Orleans, Sept. 20-24, 1975, p. 84.	
		BROWNLEE et al., "Advances in ventricular synchronous demand cardiac pacemakers," <i>Med. Instrum.</i> , 1978 Mar-Apr; 12(2):94-99.	
		BROWNLEE et al., "New Interference Sensing Demand Pacemaker Functions," <i>IEEE Transaction on Biomedical Engineering</i> , 1978 May, Vol. BME 25, No. 3, pp. 264-269.	
		BULAVA et al., "Triple-Site Pacing in Patients with Biventricular Device, Incidence of the Phenomenon and Cardiac Resynchronization Benefit," NASPE Abstracts, <i>PACE</i> , Vol. 26, Part II, April 2003, Abstract No. 617.	

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l		CASTELLANOS et al., "Bipolar Coronary Sinus Lead For Left Atrial and Left Ventricular Recording," <i>American Heart Journal</i> , 1971, Vol. 81, No. 6, 832-836.	
	*	CASTELLANOS et al., "Measurement of Conduction Times With Catheter Electrodes During Pacing From Different Ventricular Sites," <i>British Heart Journal</i> , 1975, (37):242-248.	
		CASTELLANOS et al., "Unusual QRS Complexes Produced by Pacemaker Stimuli," American Heart Journal, 1969 June, Vol. 77, No. 6, 732-742.	
		CAZEAU et al., "Four Chamber Pacing in Dilated Cardiomyopathy," <i>PACE</i> , 1994 November, Part II, Vol. 17, 1974-1979.	
		CAZEAU et al., "Multisite Pacing for End-Stage Heart Failure," <i>PACE</i> , 1996 November, (19):1748-1757.	
		CAZEAU et al., "Echocardiographic Modeling of Cardiac Dyssynchorny Before and During Multisite Stimulation: A Prospective Study," <i>PACE</i> , 2003 January, Part II, (26):137-143.	
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		COHEN et al., "Hemodynamic Responses to Rapid Pacing: A Model for Tachycardia Differentiation," <i>PACE</i> , 1988 November, (11):1522-1528.	
		Cordis Articor Manual, Implantable P-Wave Synchronized Cardiac Pacers, Model 145," 149-Rev. 3A, October 1973, pp. I-1 to VIII-1.	
		CURTISS et al., "Electrocardiographically Discrete Right and Left Ventricular QRS Complexes: A Case Report," <i>J. Electrocardiol.</i> , 1987 April; 20(2):162-168.	
		D'AIOTOLO et al., "Tratamiento De Las Arritmias Cardiacas," Buenos Aires (1968) (in Spanish). pp. 1-112.	No
		DAVID et al., "Atrial Alternans: Experimental Echocardiographic and Hemodynamic Demonstration During Programmed Pacing," <i>Am. J. of Cardiology</i> , September 1981, Vol. 48, pp. 468-472.	
		DAWSON et al., "Regional left ventricular wall motion in pacing induced angina," <i>Br. Heart J.</i> , 1988, 59(3):309-318.	
		DAWSON et al., "Left ventricular filling and early diastolic function at rest and during angina in patients with coronary artery disease," <i>Br. Heart J.</i> 1989, 61(3):248-257.	
		DE TERESA et al., "An Even More Physiological Pacing: Changing the Sequence of Ventricular Activation," Cardiac Pacing: Proceedings of the VII <sup>th</sup> World Symposium on Cardiac Pacing, Vienna, May 1-5, 1983, Steinkopff Verlag Darmstadt 1983, pp. 395-400.	
		DE TERESA et al., "Haemodynamics of Ventricular Depolarization Sequence During Permanent Cardiac Pacing," Cardio Stimolazione, Vol. 2, No. 3, p. 225 (1984).	
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	_	DREIFUS et al., "Use of atrial and bifocal cardiac pacemakers for treating resistant dysrhythmias," Eur. J. Cardiol., 1975 Dec.; 3(4):257-266.	
		DREIFUS et al., "Effect of multiple simultaneous activation sites (biventricular pacing) on ventricular depolarization and ventricular arrhythmias," <i>Cardiac Pacing, Proceedings of the Vth International Symposium, Tokyo,</i> 1976 March, pp. 33-39.	
		DUCK et al., "Vorhofsynchrone Ventrikelstimulation mit verkürzter a.v. Verzögerungszeit als Therapieprinzip der hypertrophischen obstruktiven Kardiomyopathie" "[Atrial Synchronous Ventricular Stimulation With Reduced a.v. Delay Time as a Therapeutic Principle in Hypertrophic Obstructive Cardiomyopathy]," Z. Gesamte Inn. Med., 1984 September 15, (39):18 437-447. (German with English-Language Abstract Attached)	English- Language Abstract
		ENJOJI et al., "Evaluation of Bi-Atrial Pacing and Single Site Right Atrial Pacing for the Prevention of Atrial Fibrillation," <i>Circ. J.</i> , 66(1):70-74 (January 2002), web abstract only from <a href="http://www.ncbi.nlm.nih.gov">http://www.ncbi.nlm.nih.gov</a> , 1 page.	
		ERDOGAN et al., "Proportion of Candidates for Cardiac Resynchronization Therapy," <i>PACE</i> , 2003 January, Part II, 26:152-154.	
		FEI et al., "Effects of Multisite Ventricular Pacing on Cardiac Function in Normal Dogs and Dogs with Heart Failure," <i>Journal of Cardiovascular Electrophysiology</i> , 1999 July, 10(7):935-946.	
		FINNEY, Jr., "Hemodynamic Alterations in Left Ventricular Function Consequent to Ventricular Pacing," <i>American J. Physiology</i> , 1965, 208(2):275-282.	
	-	FOSTER et al., "Acute Hemodynamic Effects of Atrio-Biventricular Pacing in Humans," <i>Annals of Thoracic Surg.</i> , 1995, 55:294-300.	
		FUNKE, "[Optimized Sequential Pacing of Atrium and Ventricle - A New Therapeutic Concept in the Treatment of Bradycardial Dysrhythmias]," <i>Herz/Kreisl.</i> , October 1978; 10(10):479-483 (German with English-Language Abstract and English Translation Attached).	English Translation
		FURUTA et al., "[Assessment of interaction between the left and right ventricles using pressure-volume loops in various heart diseases]," J. Cardiol., June 1988; 18(2):477-491. (Japanese with English Abstract and Figure Captions)	English- Language Abstract
		GARRIGUE et al., "Intra-Left Ventricular Mechanical Asynchrony is an Independent Predictive Factor of Heart Failure Worsening Regardless of the QRS Width and Morphology: A Long-Term Follow-Up Study," NASPE Abstracts, <i>PACE</i> , Vol. 26, Part II, April 2003, Abstract No. 150.	
		GASPARINI et al., "Long Term Results of Cardiac Resynchronization Therapy in Patients with Permanent Atrial Fibrillation," NASPE Abstracts, <i>PACE</i> , Vol. 26, Part II, April 2003, Abstract No. 700.	
		GASPARINI et al., on behalf of the Italian InSync ICD Registry Investigators, "Cardiac Resynchronization and Implantable Cardioverter Defibrillator Therapy: Preliminary Results from the InSync Implantable Cardioverter Defibrillator Italian Registry," <i>PACE</i> , 2003 January, 26(1):2, 148-151.	
		GASPARINI et al., "Beneficial Effects of Biventricular Pacing in Patients with a 'Narrow' QRS," <i>PACE</i> , 2003 January, 26(1):2, 169-174.	

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First Named Inventor	Morton M. Mower			
Art Unit	3762			
Examiner Name	Kahelin, Michael William			
Attorney Docket Number	06809.0030			

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		ZILE et al., "Right Ventricular Pacing Reduces the Rate of Left Ventricular Relaxation and Filling," J. Am. Coll. Cardiol., Vol. 10, No. 3, pp. 702-709 (1987).		
		ZIPES et al., "Electrophysiologic Studies on Ventricular Fibrillation," Cardiac Electrophysiology and Arrhythmias, Gruni and Stratton, Pub., 1985, pp. 317-320.		

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